



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 22, 2008

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 251 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Kathy Golden, Assistant City Manager Marshall Robertson, Public Services Director Don Cochran, Fire Chief John Williamson, Police Lieutenant Bill Sullivan, Finance Director Brian Strobeck, Building Official Skip Lukert, Recreation Director Jay Conn, Economic Development Director Dolores Key, City Planner Tim Wilson, and West Orange Times reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of May 8, 2008 as submitted. Seconded by Commissioner Sharman and carried unanimously 5-0.

2. **PRESENTATIONS**

A. Mr. Jerry Chicone presented the City with the Centennial stained glass artwork as a gift to be displayed in the new city hall and introduced the artist, Randy Kraft.

B. Mr. Simon Thomas Summer shared the programs to be offered at the Bay Street Church of God in Christ. He also submitted a proposed budget and asked the City Commission for a donation to support the King's Academy who is offering local schools a total of ten scholarships. Commissioner Boulter asked the City Attorney whether or not he would have to abstain from any vote taken. Mr. Ardaman responded a Commissioner should abstain only if a monetary gain or loss exists. Mayor Rees indicated that any donation made should only be for city residents because it is city taxpayer money. Commissioner Boulter noted the church's vision is to give guidance to the children. Commissioner Jowers stated he has no problem with a donation but is looking to the City Manager to tell the City Commission about the budget. Mr. Bollhoefer stated that the donation fund was eliminated and one donation previously awarded will be addressed during mid-year budget. **Motion by Commissioner Sharman approving a donation of \$500. Seconded by Commissioner Jowers and carried unanimously 5-0.**

3. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 08-29:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA, AMENDING CHAPTER 118 OF THE CITY CODE TO CREATE ARTICLE XI, SECTIONS 118-1600 THROUGH 118-1602; ESTABLISHING THE ARCHITECTURAL REVIEW AND HISTORICAL PRESERVATION BOARD; ESTABLISHING THE PURPOSE OF THE BOARD;

ESTABLISHING PROCEDURES FOR SELECTION OF BOARD MEMBERS AND THE TERMS OF BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-29 by title only. City Manager Bollhoefer stated that this ordinance will establish a board that will set up districts and the proposed districts will be brought back to the City Commission for approval. The board will be comprised of a member from the Winter Garden Heritage Foundation, an architect, a general contractor, a downtown owner, and three citizens. **Motion by Commissioner Boulter to approve Ordinance 08-29 with the second reading and public hearing being scheduled for June 12, 2008. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

- B. **Ordinance 08-35:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98 OF THE WINTER GARDEN CITY CODE BY CREATING ARTICLE VI, AMENDING THE COMPOSITION OF THE MEMBERS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-35 by title only. City Manager Bollhoefer stated that Development Review Committee members Charlie Tinch and Marshall Robertson will be retiring next month and this ordinance provides for their replacements (Assistant Public Services Director and the Building Official). In addition, the Economic Development Director has been added. **Motion by Commissioner Jowers to approve Ordinance 08-35 with the second reading and public hearing being scheduled for June 12, 2008. Seconded by Commissioner Boulter and carried unanimously 5-0.**

- C. **Ordinance 08-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78, ARTICLE I, TO CREATE SECTION 78-2, CITY OF WINTER GARDEN CODE OF ORDINANCES AND AMENDING CHAPTER 110, ARTICLE IV, TO CREATE SECTION 110-232; REQUIRING NEW DEVELOPMENTS TO EXTEND POTABLE WATER, RECLAIMED WATER AND SANITARY SEWER MAIN LINES AT THE DEVELOPMENT'S EXPENSE; REQUIRING NEW DEVELOPMENTS TO OVERSIZE UTILITY MAIN LINES AS REQUESTED BY THE CITY SUBJECT TO THE REIMBURSEMENT OF OVERSIZING COSTS BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 08-36 by title only. City Manager Bollhoefer stated this ordinance relates to development outside our utilities whereby they build to our lines and the city pays for the oversize lines and recoup the cost from future development. **Motion by Commissioner Sharman to approve Ordinance 08-36 with the second reading and public hearing being scheduled for June 12, 2008. Seconded by Commissioner Boulter and carried unanimously 5-0.**

4. **REGULAR BUSINESS**

A. **Request for temporary open-air vendor and tent permit by First American Fireworks Company to sell State approved sparklers June 28 – July 5, 2008 (9 days) in the K-Mart Shopping Center**

Building Official Lukert stated that this company is again asking for approval. He noted that review and approvals have been given by the Zoning, Fire, Police, and Building Departments. City Manager Bollhoefer added that there have not been any issues with their site in years past. **Motion by Commissioner Jowers to approve temporary open-air vendor and tent permit by First American Fireworks Company to sell State approved sparklers June 28 – July 5, 2008 (9 days) in the K-Mart Shopping Center. Seconded by Commissioner Boulter and carried unanimously 5-0.**

B. **Resolution 08-11:** A RESOLUTION OF THE CITY OF WINTER GARDEN OPPOSING AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD FORCE VOTERS TO DECIDE ALL CHANGES TO A CITY OR COUNTY'S COMPREHENSIVE PLAN

City Attorney Ardaman read Resolution 08-11 by title only. City Manager Bollhoefer stated that this item was requested by the City Commission at the last meeting. This resolution is the model recommended by the Florida League of Cities. **Motion by Commissioner Buchanan to approve Resolution 08-11. Seconded by Commissioner Jowers and carried unanimously 5-0.**

C. **Consideration of transmitting the major issues list for the State mandated Evaluation and Appraisal Report**

Planner Tim Wilson stated that every seven years the City has to audit its Comprehensive Plan and asked the City Commission to approve the list submitted in the agenda package (see attached) to be sent to the State Department of Community Affairs (DCA). Mr. Wilson read through the list. Mayor Rees noted that the tentative workshop date is September 8, 2008 and the public hearing date is October 6, 2008. **Motion by Commissioner Buchanan to approve transmittal of the major issues list for the Evaluation and Appraisal Report to the DCA. Seconded by Commissioner Jowers and carried unanimously 5-0.**

D. **Recommendation to approve entering into a settlement agreement with Wade Bradford and Crown Point Springs Homeowners Association, Inc. for the repair of their five retention ponds**

City Manager Bollhoefer stated that a solution has been reached on this issue that has been going on since before 1995. The agreement includes the city paying one-third of the cost of \$93,900 and overages. The City Commission does not have the final version because the Homeowners' Association and Wade Bradford are still having discussions. He asked the City Commission to approve entering into the settlement agreement with the same elements relating to the city and after final review of the City Attorney.

Mayor Rees noted that if there is no agreement entered into, Mr. Bradford would not be required to clean the wetland pond. However, such ponds are no longer allowed by St. Johns River Water Management District. Commissioner Sharman asked for verification

that the overages would be at a minimal cost because bids are being submitted for less than they were before. Mr. Bollhoefer stated there may be a couple of small items. Mayor Rees asked if the cost overages would come back to the City Commission. Mr. Bollhoefer replied that was not on the table and Mr. Bradford was agreeable with the one-third cost and otherwise may have backed away. **Motion by Commissioner Jowers to approve the City related portion of the settlement agreement subject to final review by the City Attorney. Seconded by Commissioner Sharman and carried unanimously 5-0.**

5. **MATTERS FROM CITIZENS**

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, invited everyone to attend the Memorial Day service at Veterans Park this Monday with guest speaker Police Sergeant Hanke, who has served our county in the Marine Corps. The service is for those 25 servicemen who served from Winter Garden who lost their lives serving out country.

John Pickels, 665 Glenview Drive, Winter Garden, Florida, presented the City with his painting of the downtown clock tower.

6. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman stated that staff will be prepared to conduct the downtown workshop at the second meeting in June.

7. **MATTERS FROM CITY MANAGER**

Announced that Orange County has awarded the City a \$750,000 Community Development Block Grant for East Winter Garden drainage improvements.

Distributed a copy of the newsletter.

Distributed a copy of the monthly financial report.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Boulter invited the community and staff to his wedding on June 8, 2008 at 6:00 p.m. at the Bay Street Church of God in Christ.

The meeting adjourned at 7:17 p.m.

APPROVED:

/S/_____
MAYOR JOHN REES

ATTEST:

/S/_____
City Clerk Kathy Golden, CMC